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February 3, 2003

**Dockets Management System
U.S. Department of Transportation
400 Seventh Street, SW
Room PL 401
Washington, DC 20590**

**Re: Docket No. RSPA-2002-13658
(HM-215E)**

Dear Sir or Madam:

The Association of Hazmat Shippers hereby offers comment and a request for clarification with respect to the proposals in the referenced docket.

A new Special Provision 149 would be added to the Packing Group II entries for 14 shipping descriptions, indicating that the maximum net capacity for inner packagings would be increased to no more than 5L (1.3 gallons). Similar proposals are made in Sections 173.152 and 173.154(b).

The shipping description "Consumer Commodity" in Class ORM-D is a subset of the limited quantity provisions of the hazardous materials regulations. We believe it is intended that the proposed revisions to the net capacities for these materials in Special Provision 149 also would be available for consumer commodities originally bearing one of the affected original shipping descriptions, when consumer commodity relief is authorized. We ask that a confirmation of this understanding be included as a sentence in the preamble to the final rule issued in HM-215E. Thank you.

Sincerely,

**Lawrence W. Bierlein
AHS General Counsel**